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## NEWS RELEASE

**Date/Time of Release:** Friday, October 7, 2022, 2:15pm  
**From:** Patty Perlow, District Attorney  
**RE:** Officer Involved Shooting, Sept. 12, 2022

**This is a summary of the events surrounding the Officer Involved Shooting of 9/12/22. In preparation for this summary, I reviewed all police reports, evidence reports, body worn camera footage, in car video footage, audio recordings and photographs.**

**On 09/12/22, at 1553 hours, Lane County Sheriff's Office Dispatch received a 911 call from an 11 year old boy who reported his stepfather, Robert Harris, was actively assaulting his mother in the basement of the residence. The boy said Harris had pushed Jones to the ground and was hitting her in the face. He also informed dispatch that his mom ran a daycare out of their home and there were currently six other children in the residence, ages four and under, including sleeping babies.**

**During the initial response, deputies evacuated all seven children from the residence. During this time, Harris forced the victim from the finished basement where the assault was occurring, into an unfinished area where he held her at gunpoint. The unfinished space is accessed through a pedestrian door in the basement. The clearance in the unfinished portion is more than adequate to stand in due to the fact the house is built into a hillside.**

**The Lane County Sheriff's Office Special Response Team (SRT), and Crisis Negotiation Team (CNT) were both activated due to the nature of this call. LCSO SRT members Deputies Schenfeld and Thomas were part of this response. Troopers from the Oregon State Police, officers from the Springfield Police Department and a crisis negotiator from the Junction City Police Department responded to the scene to assist but were not involved in the use of force. Upon initial contact with the victim and Harris, the victim told deputies "He's got a gun." Harris said he had a gun to her neck and that he had the trigger partially depressed.**

**This event went on for several hours with deputies from the CNT attempting to negotiate with Harris for the release of the victim without success.**

**During his interview, Deputy Schenfeld described staging at the pedestrian door to the unfinished portion of the basement and being**

able to see Jones' lower body trembling as he heard her crying and repeatedly asking Harris to take the gun from her head. Deputy Schenfeld described being crouched behind a torso sized ballistic shield in the doorway to the crawlspace for an extended period of time. He described the area as being a "concrete alcove" in which Harris had walls close by on three sides and was able to hold the victim in front of his body. Deputy Schenfeld described this as being a "very strong defensible position." Deputy Schenfeld's statement is confirmed by the statements of other officers and audio and video footage from various body worn cameras.

Deputy Schenfeld described being in fear for the victim's safety, in fear for the safety of the other officers on scene, as well as being in fear for his own safety. He explained Harris was a clear threat to the victim as he was holding her hostage with a gun against her head. The other responding officers were staging and moving around in the basement area, which was only separated from the crawlspace by a standard wall that would do very little to stop or slow handgun rounds. He said due to the fact that Harris lived in the involved residence, he believed it was very likely Harris was familiar enough with the location of the doorway that Harris would very likely be able to reach out and fire rounds in the direction of law enforcement without exposing himself.

Deputy Schenfeld said he and other deputies threw items (an icepack, bottles of water, and container of chewing tobacco) into the crawlspace for the victim and Harris. He said each time the victim reached out from the alcove to retrieve one of these items, he could see Harris was pressing a handgun tightly against her head or spine.

Deputy Schenfeld said there was a request from Sergeant Wallace for a PRT (Precision Rifle Team) member to go to the exterior of the residence on the opposite side of Jones and Harris from the basement door. Deputy Schenfeld said he located a vent on this side of the residence. He said they used a knife to very slowly and carefully remove the vent without alerting Harris to their presence at this location.

Deputy Schenfeld advised he found he had a much better view of the situation from this vantage point. He said he could see the victim holding an icepack to her head with blood on her hands. Schenfeld said he continued to see the same black semi-automatic handgun pressed against her lower back whenever she leaned out from this location.

During the course of negotiations, Harris repeatedly demanded a beer be delivered. Deputy Schenfeld said Harris lowered the handgun away from the victim significantly as he manipulated a beer that had been provided to him. He said by this time, the standoff had been ongoing for hours, Harris had made numerous threats against Jones and also seemed to be escalating because he was unhappy about the brand of beer he was given. He said he had repeatedly seen Harris holding the gun to locations where it would either hit Jones' spine or her brain if fired.

Deputy Schenfeld said he was aware there was probable cause to arrest Harris for kidnapping, menacing, and felony assault at this time. He said they had repeatedly asked Harris to drop the weapon

throughout this encounter and had even offered to back off and leave the residence if he were to release Jones. He said Harris had refused to comply.

Deputy Schenfeld said as Harris held the beer and the handgun was somewhat lowered, he saw the opportunity to neutralize Harris without Harris' gun directed at any of the victim's vital organs. He said, "I fired two times. I aimed at his upper torso. And I tried to interrupt immediately and have a quick intervention so there was nothing beyond that." He said the weapon he used was a scoped, .308 caliber AR-10.

Deputy Thomas was staged at the door to the crawlspace as part of the SRT Entry Team. Deputy Thomas described entering the crawlspace with a ballistic shield after hearing three shots. Deputy Thomas fell to the ground upon entry (likely due to the very uneven terrain covered by a vapor barrier of plastic), which left him and his team fully exposed without cover or the protection of the shield. Deputy Thomas advised he could see the female victim had been shot and said he believed the gunfire he'd been hearing had been Harris shooting the victim. He said he could see Harris was down, but was lifting his head and right arm from the ground. Deputy Thomas fired three rounds at Harris from his .45 caliber duty weapon and stopped firing when he believed Harris was no longer a threat. Deputies immediately helped the female victim from the crawl space to waiting medical care and began life saving efforts on Harris. He was pronounced deceased at the scene.

The female victim was treated for a non-life-threatening bullet wound to her upper right leg.

The Inter-Agency Deadly Force Investigative Team (IDFIT) was activated to conduct an investigation into the use of deadly force by Deputies Schenfeld and Thomas. Prior to activation, Springfield Police Sergeant Justin Myers was on scene and ensuring that IDFIT protocols were followed. The lead detective for this investigation was Detective Cliff Sites of the Eugene Police Department.

Two .308 casings were recovered on the exterior of the house near the vent where Deputy Schenfeld fired. Three .45 caliber casings and one 9 mm casing were recovered in the crawlspace. A 9 mm handgun was found and seized near Harris. Live 9 mm rounds were found on the floor of the finished basement. All body worn cameras were uploaded and locked down. All witnesses were interviewed including the female victim, her son, responding officers, and neighbors.

Deputy Thomas reported hearing three shots before making entry into the basement. This information is confirmed by the audio from SPD Officer O'Leary's body camera footage of the incident. From that recording it is clear that the victim was hit by the second shot fired of the three. Based on scene evidence and the nature of the victim's injuries, it is believed that Harris fired the round that struck the victim. The victim also reported at the time of the incident that Harris had shot her. Because the rounds were fired into concrete, only one bullet was recovered from the hand of Mr. Harris, the others were all shattered fragments both at the scene and at autopsy. The listed cause of death by the forensic pathologist was "multiple gunshot wounds."

The victim reported that Harris had been drinking and became violent when he drank. He had not been drinking for some time, but left the house that day and returned intoxicated, though he denied drinking. The victim followed him to the basement where she believed he was stashing alcohol and found him drinking. He became angry and she tried to run away. He grabbed her and threw her onto a bed by her hair, got on top of her and began pistol whipping her, multiple times. He put the gun in her mouth and threatened to kill her. He fired a couple of shots from the handgun with which he later held her hostage. The victim's son came down the stairs and saw Harris assaulting her. She told him to call 911 and to hurry. Harris told her that was a mistake and they were both going to die together. When law enforcement arrived, he took her into the unfinished part of the basement and held her at gunpoint for hours. He told her that he would not live without her and he would not go to prison. They were going to die together. She believed that she was going to die that day.

#### **Use of Force Analysis:**

“Deadly physical force” means physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury. ORS 161.015(3).

The lawful use of deadly physical force is limited. Under the circumstances described above, the analysis is whether the use of deadly physical force is justified when the person reasonably believes that the other person is using or about to use unlawful deadly physical force against a person.

In this case, law enforcement was facing someone threatening the use of deadly physical force on another. Because Harris had secreted himself with the victim as a shield in a location with no direct line of sight or safe access, less-lethal and non-lethal weapons were not a choice. Harris held the victim at gunpoint and continued to control her for hours. Negotiations were fruitless. He escalated when the beer he received was not what he wanted. Deputy Schenfeld saw an opportunity to rescue the victim by firing at Mr. Harris with confidence that any injury to the victim would be non-lethal. Deputy Schenfeld's use of deadly physical force was lawful to protect the life of another.

Deputy Thomas was tasked with entering the unfinished basement space first at the sound of gunfire as part of the SRT. In his words, he “knew his job was to get shot.” He had listened to the victim beg for her life. He heard negotiations fail. He heard three shots and the victim scream and assumed Harris had shot the victim. He felt a push to his back and heard the words, “Let's go! Let's go!” He rushed in, tripped on the uneven ground and lost the protective shield. Others from the team were trapped behind him. He saw Harris still had the gun raised and his head raised from a position on his back. Thomas fired three times until he perceived the threat was over when Harris's head and hand with the gun went to the ground. Deputy Thomas then holstered his weapon. Deputy Thomas's use of deadly force was lawful to protect the life of another.

**Deputy Arik Schenfeld has been a Lane County Deputy Sheriff since 1999, is a member of the SWAT/SRT. He is a firearms instructor and field training officer.**

**Deputy Lucas Thomas has been a Lane County Deputy Sheriff since January of 2017 and is a member of SWAT/SRT and is a less-lethal instructor.**